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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MISSOURI

EASTERN DIVISION

EXHIBIT

D

TINA MOORE, et al.,)
)
Plaintiffs,)
)
vs.) No. 4:14-CV-1443 SNLJ
) 4:14-CV-1447 SNLJ
CITY OF FERGUSON, et al.,) (Consolidated)
)
Defendants.)

DEPOSITION OF ALAN SCHILLING

Taken on behalf of Defendant

January 13, 2016

Kathy Bauernfeind, CCR #1361

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6

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12 (Exhibits retained by the court reporter.)

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9 DEPOSITION OF ALAN SCHILLING, produced,
10 sworn, and examined on behalf of Defendant, January
11 13, 2016, commencing at 11:27 a.m. and concluding at
12 12:13 p.m., at Pitzer Snodgrass, P.C., 100 South 4th
Street, St. Louis, Missouri, before Kathy Bauernfeind,
a Certified Shorthand Reporter for the State of
Missouri.

13 A P P E A R A N C E S

14 FOR PLAINTIFFS DELORES MOORE AND RENEE RODGERS, AS
NEXT FRIEND FOR A.D.R., A MINOR:

16 BATY, HOLM, NUMRICH & OTTO, P.C.
BY: TODD M. JOHNSON, ESQ.
4600 Madison Avenue, Suite 210
17 Kansas City, Missouri 64112

18 FOR PLAINTIFFS TINA MOORE AND ESTATE OF JASON MOORE:

19 THE FLOYD LAW FIRM
20 BY: MARK FLOYD, ESQ.
21 8151 Clayton Road, Suite 202
22 St. Louis, Missouri 63117

22 DOWD & DOWD, P.C.
BY: WILLIAM T. DOWD, ESQ.
211 North Broadway, Suite 4050
23 St. Louis, Missouri 63102

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1

A P P E A R A N C E S

2

3 FOR DEFENDANTS:

4

PITZER SNODGRASS, P.C.

5

BY: IDA S. SHAFIAIE, ESQ.

6

100 South Fourth Street, Suite 400
St. Louis, Missouri 63102

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EXAMINATION BY MS. SHAFAIE

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1 IT IS HEREBY STIPULATED AND AGREED by and
2 between Counsel for the Plaintiff and Counsel for the
3 Defendants, that this deposition may be taken in
4 shorthand by Kathy Bauernfeind, a Certified Shorthand
5 Reporter, and afterwards transcribed into typewriting,
6 and the signature of the witness is not waived by
7 agreement of counsel and the witness.

8 (Exhibit 1 was marked.)

9 O-O-O

10 ALAN SCHILLING,
11 having been first duly sworn, was
12 examined and testified as follows:

13 * * * * *

14 EXAMINATION

15 BY MS. SHAFAIE:

16 Q. Mr. Schilling, my name is Ida Shafaie. I'm
17 an attorney that represents the City of Ferguson in a
18 suit being brought by the family of a man named Jason
19 Moore against the City of Ferguson.

20 Before we get started here, I'm going to go
21 over some preliminary matters with you. The first is,
22 is there anything -- any condition you might have that
23 would prevent you from understanding any of my or the
24 other attorneys' questions here today?

25 **A. Not that I'm aware of.**

EXAMINATION BY MS. SHAFAIE

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1 Q. Okay.

2 Are you under any medication or
3 prescription drug that would prevent you from
4 understanding completely any of my questions or the
5 other attorneys' questions today?

6 **A. No.**

7 Q. Okay.

8 As we're going through, if you'll make sure
9 that when I or one of the other attorneys asks you a
10 question, you'll answer with either a yes or a no
11 rather than nodding or giving an um-hum or a hum-hum
12 answer. And that's mainly just to make sure that the
13 court reporter can take down everything that you say
14 exactly, and so that we know weeks from now when we
15 look at your testimony exactly what it was that you
16 were saying. Can we have that agreement?

17 **A. Yes.**

18 Q. Okay.

19 And also as we're going through, sometimes
20 I may ask you a bad question that's confusing or
21 vague. If you'll let me know if my question is vague
22 or confusing so that I can give you a better question,
23 I'd ask that you do that.

24 **A. Okay.**

25 Q. And if you do answer a question, I'm going

EXAMINATION BY MS. SHAFAIE

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1 to assume that you understood it. Does that make
2 sense?

3 **A. Yes.**

4 Q. Okay.

5 Could you please state your full name for
6 the record?

7 **A. Alan Gene Schilling.**

8 Q. What is your date of birth?

9 **A. 5/31/1955.**

10 Q. And where do you currently reside?

11 **A. 56 North Marguerite Avenue, Ferguson,**
12 **Missouri 63135.**

13 Q. And what is your telephone number?

14 **A. (314) 605-1471.**

15 Q. What is your current occupation?

16 **A. I am music director in the dance department**
17 **at Webster University.**

18 Q. Where did you live back in September of
19 2011?

20 **A. At 56 North Marguerite.**

21 Q. And how long have you been -- and that's in
22 Ferguson, Missouri, is that correct?

23 **A. That's correct.**

24 Q. How long have you been living in Ferguson,
25 Missouri?

EXAMINATION BY MS. SHAFIAIE

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1 **A. 28 years. At that address.**

2 Q. And you stated you live at 56 North
3 Marguerite. How far away is that, if you know, from
4 102 North Marguerite?

5 **A. I don't know where that address is.**

6 Q. Okay. Okay.

7 So you're here today because you were
8 identified as someone who gave a statement to the
9 Ferguson Police Department back in September of 2011.
10 Do you recall giving a written statement to the police
11 regarding an incident you witnessed?

12 **A. Yes, I do.**

13 Q. Okay.

14 And I'm going to talk to you a little bit
15 about that statement, but first I want to ask you,
16 what was the first thing that you heard or saw that
17 gave rise to you later giving a statement to the
18 police?

19 **A. The first thing I heard were all of the**
20 **dogs in the neighborhood going crazy. In fact, they**
21 **were woke me up. And that's -- so I woke up to my**
22 **animals and neighbors', all of them barking. And so**
23 **it woke me up.**

24 Q. Do you recall approximately what time that
25 would have been?

EXAMINATION BY MS. SHAFIAIE

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1 A. I don't know. It was sometime before noon.

2 Q. Okay.

3 A. But I don't recall how early it was.

4 Q. Do you remember if it was light or dark
5 outside?

6 A. It was light.

7 Q. And so you said that you heard your animals
8 and what you presumed to be other animals in the
9 neighborhood barking. What if anything did you do
10 once you heard that?

11 A. I got up and I -- I sleep upstairs. I went
12 downstairs to the ground floor level of my home and
13 looked outside to see if I could see anything. And I
14 couldn't see anything, so I went out the front door to
15 see if there was something going on in the street.
16 And at that point I saw a dark-skinned man standing
17 across Airport Road, which would be maybe 150 feet
18 from my front door. We're the second house on North
19 Marguerite, which is right off the Airport Road.

20 I saw a man standing out there and heard
21 him pretty much just vocalizing, you know, wasn't sure
22 what he was talking about, but was standing in the
23 middle of that street, Marguerite, just off of Airport
24 Road. So he wasn't in Airport Road, but he was right
25 in the middle of Marguerite.

EXAMINATION BY MS. SHAFIAIE

Page 10

1 Q. Okay.

2 A. And he was agitated. Vocalizing something
3 that I couldn't really understand immediately.

4 Q. Okay.

5 A. And I thought, well, now I know why the
6 dogs are barking, you know. And I didn't think too
7 much of it because people -- you know, our
8 neighborhood, you know, occasionally you will hear
9 people speaking very loudly, typically on a cell phone
10 or something, screaming at someone, and dogs bark when
11 they hear that, so I didn't think too much of it at
12 the moment.

13 Q. And you stated that the man appeared to be
14 agitated. What do you mean by that?

15 A. He was throwing his arms up in the air. He
16 was kind of walking in a circle. Staying in one spot,
17 but just constantly moving and looking in all
18 directions and obviously upset about something.

19 Q. Okay.

20 And I think you said he was -- or was he
21 talking or saying anything at that time?

22 A. Yes. He was being vocal, and I think
23 that's what --

24 Q. Okay.

25 A. -- had aroused all the animals in the

EXAMINATION BY MS. SHAFIAIE

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1 **neighborhood.**

2 Q. And when he was being vocal, was he -- was
3 his voice soft or loud or something different?

4 A. **It was very loud.**

5 Q. Okay.

6 A. **Very loud.**

7 Q. Is it fair to say he was yelling?

8 A. **Oh, yes. Definitely.**

9 Q. When you first saw this man, where you
10 described him, I believe, in the middle of Marguerite,
11 was he clothed?

12 A. **Yes. When I first saw him.**

13 Q. Okay.

14 Did you continue to observe this man after
15 initially seeing him?

16 A. **Yes. After I saw, after I determined**
17 **that's what had probably caused all the dogs to be**
18 **barking and everything, I thought, well, I'm not going**
19 **to do anything because everybody's got a right to**
20 **stand in the street and yell. So I went back in the**
21 **house, and all of the animals continued to bark**
22 **because he was continually yelling, you know, being**
23 **vocal.**

24 **Then I went back outside to see if he was**
25 **going anywhere, because I had already thought at that**

EXAMINATION BY MS. SHAFIAIE

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1 point, if he comes toward my house, I'm definitely
2 calling the police. Because this man is obviously
3 upset about something, and I don't know this man. At
4 the same time I thought he might have relatives or
5 friends in a house right there, and maybe they would
6 see him and corral him and help him. So I wanted to
7 kind of keep an eye on what was happening.

8 So I went back out a few minutes later, and
9 he had removed his shirt and was still moving his arms
10 around and kind of walking in circles and being very
11 vocal. And I thought, well, that's a little odd, but
12 hopefully someone that knows him, you know -- I really
13 assumed that he belonged to a house right there. I
14 didn't know. You know. I hadn't really ever seen
15 this person before.

16 And then I went back in the house because I
17 thought, well, okay, he's still not coming toward me
18 or my property, and, you know, I didn't want to get
19 involved because I didn't know the situation.

20 A few minutes later, the dogs were still
21 barking. I went back out and this time he had
22 removed -- and was in the process of removing
23 everything that he had on. And basically the man was
24 naked, still yelling and doing everything that he was
25 doing. So at this point I felt like this was out of

EXAMINATION BY MS. SHAFAIE

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1 the norm for behavior in public. And I felt like the
2 only thing to do was call 911 because I wasn't
3 personally going to handle his situation. You know.
4 It's beyond my ability. And that's when I called 911,
5 and I believe was connected to Ferguson police and
6 told them what was happening.

7 Q. Okay. And what did you tell the 911
8 operator, the dispatcher that you spoke with?

9 A. I'm sure I told them that a man was out in
10 the street screaming and had removed his clothes and
11 was naked and I felt like he needed help.

12 Q. And do you recall what that
13 dispatcher/operator said back to you, if anything?

14 A. I don't really recall.

15 Q. Okay.

16 You stated at a couple points the man was
17 very vocal, yelling in a loud manner. Were you able
18 to make out anything that he said or yelled?

19 MR. JOHNSON: Object to form; misstates
20 prior testimony.

21 A. I remember hearing him use the word Jesus
22 quite a few times.

23 Q. (BY MS. SHAFAIE) Okay. Anything else you
24 recall hearing the man say?

25 A. It seemed -- I think that in connection

EXAMINATION BY MS. SHAFAIE

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1 with using the word Jesus, it was basically religious
2 in nature. I kind of felt like he thought he might be
3 preaching.

4 Q. Okay.

5 After you placed the call to 911 or the
6 police department, did you go outside of your house
7 again to see if the man was still there or where he
8 had gone?

9 A. I didn't go out to watch him, because I
10 figured the police would be coming. And, in fact, I
11 think I heard their siren or patrol cars coming up. I
12 saw them arrive.

13 But a few minutes later I looked outside,
14 and I went in my backyard, there was a patrol car on
15 Airport Road. And I walked out of my backyard over to
16 the patrol car, and I think, if I can remember, the
17 officer said something like, are you the one that
18 called 911. And I'm sure I said yes, that was me.

19 And I think that the officer said that
20 he -- or they, collectively, could not find the man.
21 That his clothes were still in the middle of the
22 street, but they didn't know where he was. And I was
23 really concerned because I thought that maybe he was
24 hiding somewhere. So I went back to my yard and
25 checked in my garage to make sure that he hadn't like

EXAMINATION BY MS. SHAFIAIE

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1 come over and gone in my garage. And he hadn't.

2 And after that, I don't recall talking to
3 an officer or -- I didn't really know what happened.
4 If they had actually found the man or if -- if they
5 were still looking for him.

6 Q. Okay.

7 You stated earlier that you had seen the
8 man in the middle of Marguerite Road, is that correct?

9 A. Um-hum.

10 Q. At any point when you saw the man in the
11 road, were there cars on the roadway that you
12 observed?

13 A. I don't recall seeing any cars, but Airport
14 Road is a busy street. And I remember thinking to
15 myself that if this man needs help, he could easily
16 just go right on out in the middle of the street and
17 be struck by a car. And it's part of the reason I
18 called 911. I mean, I was concerned about the guy's
19 safety, plus I was concerned, I didn't know what his
20 intentions were. So I called for those two reasons.

21 Q. Okay.

22 Were you concerned about your own safety?

23 A. Yes.

24 Q. And you stated that Airport Road is a very
25 busy road, is that correct?

EXAMINATION BY MS. SHAFIAIE

Page 16

1 **A. Um-hum.**

2 Q. Is it busy in the morning on the weekends?

3 **A. Not as busy as during the week. But there**
4 **is definitely traffic on Airport Road constantly.**

5 Q. And then you stated that when the officer
6 came and spoke with you -- was it just one officer or
7 more than one?

8 **A. The only officer I spoke to, that I**
9 **remember, is the officer that was parked like down**
10 **close to the alley that goes to my property. And**
11 **that's why I spoke to him, because he was right there.**
12 **And I was curious to, you know, to know what happened**
13 **to this guy.**

14 Q. And did you provide the officer any
15 directional information or anything about where you
16 thought the man might be?

17 **A. I don't recall saying anything because the**
18 **last time I saw the man, he was in the middle of that**
19 **intersection.**

20 Q. At any point had you seen anyone out in the
21 street with the man?

22 **A. I don't recall seeing anyone else there.**

23 Q. I'm going to hand you what I have marked as
24 Exhibit 1. I want you to take a look at that.

25 **A. Yes.**

EXAMINATION BY MS. SHAFIAIE

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1 Q. Do you see -- is that your signature there
2 at the bottom?

3 A. **Yes. I remember, now that I'm looking at**
4 **this, I remember writing this.**

5 Q. So you wrote the contents of what's in
6 Exhibit 1?

7 A. **Yes, I did.**

8 Q. And that's your signature at the bottom,
9 correct?

10 A. **Um-hum.**

11 Q. And it looks like there is a date up top,
12 September 17th of 2011. Does that seem to be accurate
13 to you?

14 A. **Yes.**

15 Q. And the time, I think that says 7:25. Does
16 that also seem accurate to you?

17 A. **Yes.**

18 Q. Okay.

19 A. **I knew -- I mean, I knew it was in the**
20 **morning. I just -- that's a long time so...**

21 Q. Okay.

22 Have you been able to read through that
23 entire section that says Statement --

24 A. **Yes.**

25 Q. -- and if you haven't, I would ask that you

EXAMINATION BY MS. SHAFAIE

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1 would.

2 Okay. Is there anything in there that you
3 believe now is incorrect?

4 **A. No. Because writing this at the moment**
5 **right after it happened I would say this is as correct**
6 **as I could be about it.**

7 **Q. Okay.**

8 Is there anything else that you remember
9 about this incident that you haven't either told me
10 today or that isn't contained in this statement?

11 **A. The last thing that I saw that morning were**
12 **police cars at the next intersection, which is the**
13 **intersection of Dade and Airport Road. Which is about**
14 **as far as I can see from my house on Airport Road. I**
15 **saw police cars there. But I did not know what had**
16 **happened at that time.**

17 **Q. Did you ever see any police officers**
18 **interact with the man you had seen?**

19 **A. No.**

20 **Q. Okay.**

21 Did you ever learn anything about what
22 happened to this man?

23 **A. I did. Because originally, a few months**
24 **later, an attorney contacted me who was working on**
25 **this case in some way and wanted to know if I had seen**

EXAMINATION BY MS. SHAFIAIE

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1 anything or said that I was one of the witnesses and
2 that they wanted to ask me a few questions.

3 Q. Okay.

4 Do you know if it was any of the gentlemen
5 in this room?

6 A. I don't know. I just spoke to them on the
7 phone. So I have no idea what the person looked like.

8 Q. Do you remember their name?

9 A. Well, I have a letter from that attorney,
10 so I can tell you who that attorney was.

11 Q. Okay.

12 A. Ron R. Buretta & Associates Incorporated.
13 And that's when I learned that the gentleman's name
14 was Jason Moore.

15 Q. Okay.

16 A. According to their information that they
17 sent.

18 Q. Do you mind if I see that letter?

19 A. I don't mind.

20 Q. And do you mind if I show it to the other
21 attorneys here as well?

22 A. I don't mind. There is two copies, you can
23 have a copy if you like.

24 MS. SHAFIAIE: Would you all like a copy?

25 MR. DOWD: Keep a copy and then we can make

EXAMINATION BY MS. SHAFAIE

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1 a copy.

2 **A. The information that I got from that was**
3 **that I -- I learned the person's name, which I had no**
4 **idea who this person was. And I still didn't**
5 **recognize the name or --**

6 **Q. (BY MS. SHAFAIE) Okay.**

7 **A. -- or the person.**

8 **Q. Give me one second. I might be done with**
9 **questions for you.**

10 I think you had mentioned that you saw the
11 man disrobe at one point, is that correct?

12 **A. Yes.**

13 **Q. Did you actually see -- did the man carry**
14 **the clothes with him, or did you see where those**
15 **clothes ended up?**

16 **A. When saw him, he was just dropping them on**
17 **the ground. Just like he was adamant about now it's**
18 **time to take my clothes off, and just like threw them**
19 **on the ground. And that's -- that's what I remember.**
20 **I will say that after reading my statement, I recall**
21 **that the clothes were missing. At some point that**
22 **morning, after the police arrived or before they**
23 **arrived, but I didn't remember that until I read my**
24 **statement.**

25 **Q. Did you ever see anyone retrieve those**

EXAMINATION BY MS. SHAFIAIE

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1 clothing items?

2 A. I don't recall seeing anyone take the
3 clothing. I was just surprised that the clothes were
4 missing.

5 Q. Can you describe what the man looked like?

6 A. He had very dark skin. I would say brown,
7 not black. He had dark hair. Dark eyes. He was, I
8 would say, medium build, not fat. In fact, looked
9 like he was in pretty good physical condition.
10 Because I could see his entire body. Looked like a
11 healthy man, you know. But I couldn't -- I don't
12 really recall what his face looked like because it was
13 at a distance where I just, you know, I wouldn't
14 recognize him if I saw him again.

15 Q. What was the distance that you were from
16 the man when you had come outside of your home?

17 A. Well, our house is the second house off of
18 Airport Road. So, I mean, just guessing, I would say
19 100 to 150 feet. I mean, whatever -- however much the
20 lot next to us is, plus the distance across Airport
21 Road. And then he was right there on the other side
22 of Airport Road.

23 MS. SHAFIAIE: I don't have any further
24 questions. These gentlemen may have some questions
25 for you.

EXAMINATION BY MR. JOHNSON

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1

EXAMINATION

2 BY MR. JOHNSON:

3 Q. Mr. Schilling, my name is Todd Johnson. I
4 represent some of the family members of Mr. Moore. We
5 have the benefit of your 911 call. Would it refresh
6 your memory or help you for me to play that for you so
7 you could listen to it and ask a couple of questions
8 about it?

9 A. **Sure. It helped me to read my statement**
10 **so...**

11 MR. JOHNSON: Why don't we go off the
12 record.

13 (Discussion off the record.)

14 (Exhibit 2 was marked.)

15 Q. (BY MR. JOHNSON) Mr. Schilling, we're back
16 on the record. My name is Todd Johnson. I'm an
17 attorney that represents some of Mr. Moore's family
18 members.

19 A. **Yes.**

20 Q. During a break, did I afford you the
21 opportunity to listen to an audio call that you made
22 on September 17, 2011, to the Ferguson Police
23 Department?

24 A. **Yes, you did.**

25 Q. And did you recognize the voice in the

EXAMINATION BY MR. JOHNSON

Page 23

1 recording I showed you off the 911 disk as your voice?

2 **A. Yes.**

3 Q. And my office attempted to transcribe that
4 phone call onto what we've marked as Exhibit 2. It's
5 a one-page document that I gave you during the break
6 as well. Did you have the opportunity to review
7 Deposition Exhibit 2, sir?

8 **A. Yes.**

9 Q. And does Exhibit 2 fairly and accurately
10 transcribe that phone call that you made on September
11 17, 2011?

12 **A. Yes.**

13 Q. And you've had the chance to review Exhibit
14 2 before I asked you that question, right?

15 **A. Yes.**

16 Q. As of September 17, 2011, was there anybody
17 else in your household who talked to the police about
18 this incident?

19 **A. No.**

20 Q. Was there anybody in your household that
21 you believe saw Mr. Moore at any point that morning?

22 **A. No.**

23 Q. Was Mr. Moore carrying anything at any
24 point when you observed him other than the clothes he
25 was discarding?

EXAMINATION BY MR. JOHNSON

Page 24

1 **A. The only thing I remember is his clothes.**

2 Q. Did you see any other neighbors out in the
3 area on their front steps or porches when you observed
4 Mr. Moore?

5 **A. No, I didn't. And I was looking for**
6 **people, hopefully his family members or friends or**
7 **someone to retrieve him.**

8 Q. After you made the phone call -- strike
9 that.

10 Let's go back to the phone call itself.

11 After listening to that phone call, at any point did
12 you hear what you considered to be a laugh or chuckle
13 that you made about the phone call or about reporting
14 the incident?

15 **A. Well, I heard myself -- I wouldn't say it**
16 **was a laugh or a chuckle, but I was just amazed that**
17 **someone in my neighborhood would be taking their**
18 **clothes off. And so I heard in my voice that, you**
19 **know, I was saying it kind of in disbelief to the**
20 **officer, there is a man out here taking all his**
21 **clothes off and he's going naked. You know, I heard**
22 **that in my voice, and I remember feeling like this**
23 **can't be happening in our neighborhood.**

24 Q. And in return did you hear from the
25 dispatcher or the communications worker that you were

EXAMINATION BY MR. JOHNSON

Page 25

1 speaking with on that phone call, what you considered
2 to be a laugh or a chuckle after you reported these
3 facts?

4 **A. No.**

5 Q. When the officers met with you later that
6 day, and in Exhibit 1 -- we see 7:25 on Exhibit 1,
7 upper portion of that document, so do you see that,
8 Exhibit 1, the handwritten statement?

9 **A. Yes.**

10 Q. Is that 7:25 a.m.?

11 **A. Yes.**

12 Q. How many officers did you meet with?

13 **A. I only recall talking to the one officer.**

14 Q. Can you describe the officer for us?

15 **A. I don't -- I really don't remember what he
16 looked like.**

17 Q. In other portions of documents we've
18 received in this case, we see that there is a badge
19 number of 560. Do you see the number 560 in Exhibit 1
20 in the lower left portion?

21 **A. Yes.**

22 Q. And that number, if the documents are true,
23 equates with the name of Officer White. Do you recall
24 speaking with an Officer White at your residence about
25 this incident?

EXAMINATION BY MR. JOHNSON

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1 **A. I don't recall speaking to him. But I**
2 **remember writing this. I just, you know, at the time,**
3 **I don't remember -- I didn't remember actually writing**
4 **this until I saw it. But I definitely recognize it**
5 **and remember writing it. It was such a strange event**
6 **that after talking to the officer in the street, and**
7 **that officer mentioning that they couldn't find the**
8 **man, I really don't recall much after that because I**
9 **really didn't know until much later what had happened.**

10 **Q. There is another officer referenced in**
11 **certain documents we received in this case named**
12 **Officer O'Connor. Do you remember meeting with an**
13 **Officer O'Connor about this incident?**

14 **A. I don't.**

15 **Q. Do you recall meeting with more than one**
16 **officer or having more than one officer in your**
17 **presence when you were completing Exhibit 1?**

18 **A. I really don't. I mean, I don't remember**
19 **the officer who had me complete this.**

20 **Q. Did any officer convey any information to**
21 **you about any facts and circumstances of their**
22 **interaction with Mr. Moore that day?**

23 **A. Not beyond the officer I spoke to in the**
24 **street.**

25 **Q. What did he say?**

EXAMINATION BY MR. JOHNSON

Page 27

1 **A. He just stated that they were looking for**
2 **him.**

3 **Q. Afterwards, when you're filling out Exhibit**
4 **1, which is at 7:25 a.m., did any officer give you any**
5 **details about the facts and circumstances of the**
6 **Ferguson Police Department's interaction with**
7 **Mr. Moore that day?**

8 **A. I don't recall.**

9 **Q. Did you see Mr. -- the individual that we**
10 **later know is Mr. Moore, did you see the individual**
11 **proceed down Airport Road after you saw him take his**
12 **clothes off?**

13 **A. I believe that the last thing that I**
14 **remember seeing was him smack in the middle of that**
15 **intersection of Marguerite and Airport Road. And I**
16 **don't -- I don't remember seeing -- in fact, I was**
17 **surprised when the officer told me that they couldn't**
18 **find him, because I assumed that he had stayed there.**

19 **Q. Do you know an individual named Tina Moore**
20 **or Tina Whitby in your neighborhood?**

21 **A. No, I don't.**

22 **Q. The name Jason Moore, does that resonate**
23 **with you other than just being called to answer**
24 **questions of ours today?**

25 **A. Right, well, and from the letter I received**

EXAMINATION BY MR. FLOYD

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1 from the attorney shortly after the incident.

2 Q. Mr. Moore's mother resides in Ferguson.

3 Her name is Delores. Do you know a Delores Moore?

4 A. I don't.

5 MR. JOHNSON: I have no further questions.

6 Thank you for coming down here, sir.

7 THE WITNESS: You're welcome.

8 EXAMINATION

9 BY MR. FLOYD:

10 Q. Hi, Mr. Schilling, my name is Mark Floyd.

11 I'm actually representing Mr. Moore's widow, Tina
12 Moore.

14 Q. And I appreciate you coming in here. And
15 you've done a pretty good account of your memory, and
16 it's helpful, and I just wanted to ask you a few
17 questions. I won't be long.

18 First of all, you are a director of music
19 and dance at Webster University?

20 A. That's correct.

21 Q. And how long have you been doing that?

22 A. I guess it will be my 11th year.

23 Q. And on this particular day, I think the
24 police report shows it was very, very early in the
25 morning, before 7:00 a.m. I think your estimate is it

EXAMINATION BY MR. FLOYD

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1 was around 7:00, but you weren't -- apparently you
2 weren't watching the clock when this was happening,
3 you were just estimating.

4 **A. Yeah. I mean, I probably looked at the**
5 **time, you know, when I called 911. I didn't recall**
6 **that until I saw the written report. You know.**

7 **Q. Looks like your estimate was pretty**
8 **accurate.**

9 And when you did see Mr. Moore starting
10 when you saw him on the street, and if I understand
11 your testimony so far, you did not see him carrying
12 any type of a weapon, did you?

13 **A. I don't remember that. I think I would**
14 **have remembered it, but...**

15 **Q. If you had seen him carrying a weapon, you**
16 **would have told the police that?**

17 **A. I would have called 911 immediately if, you**
18 **know, if it looked like the guy was armed.**

19 **Q. When you saw him naked in the street, you**
20 **didn't see him with any type of weapon, did you?**

21 **A. I don't recall that.**

22 **Q. And if I recall your testimony that he**
23 **seemed agitated? When I say "he," Mr. Moore?**

24 **A. He was agitated, yes.**

25 **Q. And he was standing in the middle of the**

EXAMINATION BY MR. FLOYD

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1 street walking in circles?

2 **A. Yes.**

3 Q. It didn't appear that he was trying to run
4 from anyone or evade anyone. He was making himself
5 very visible in the middle of the street?

6 MS. SHAFAYIE: Form, foundation.

7 **A. He seemed like an angry man who wanted to**
8 **get something off his chest and wanted everyone to**
9 **know it, you know.**

10 Q. (BY MR. FLOYD) And you thought that he --
11 it sounded like he might even be preaching in the
12 middle of the street.

13 **A. Yes.**

14 Q. Based upon your perception, this was odd
15 behavior, is that correct?

16 **A. It was odd because he seemed to be having a**
17 **conversation with -- I didn't see any other people**
18 **around.**

19 Q. He was the only one in the conversation?

20 **A. And he was having a conversation out loud**
21 **adamantly.**

22 Q. And that's odd?

23 **A. Yes.**

24 Q. So you got a naked man standing in the
25 street having a conversation with himself very loudly,

EXAMINATION BY MR. FLOYD

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1 walking in circles, is that correct so far?

2 **A. Well, he wasn't initially naked.**

3 Q. Yes. He became naked.

4 A. And that's when I -- it kind of threw up a
5 red flag, because, you know, at that point I thought,
6 okay, you can't stand naked in the middle of the
7 street, you know, and this man needs help.

8 Q. And I heard that, and I want to move into
9 that topic a little bit. I probably know the answer
10 to it, but I want to make sure. Do you have any
11 training in crisis intervention or --

12 A. No --

13 Q. The answer is no, correct?

14 A. -- not at all.

15 Q. You expect that maybe the police
16 department, police officers do have some training in
17 crisis intervention?

18 MS. SHAFAYIE: Form and foundation.

19 Q. (BY MR. FLOYD) Is that what you would
20 expect?

21 MS. SHAFAYIE: Same objection.

22 A. I felt like they would be able to get him
23 that kind of help.

24 Q. (BY MR. FLOYD) And that's the kind of
25 help, from what you saw, that you perceived that he

EXAMINATION BY MR. FLOYD

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1 needed, correct?

2 **A. Yes.**

3 Q. And while you're watching all of this
4 unfold, to see a man walk out in the middle of the
5 street, talking with no one else but sounds like he's
6 preaching, agitated, in circles, then he becomes
7 naked, during this time did you consider the
8 possibility -- I think I know your answer but I'm
9 going to ask anyway -- did you consider the
10 possibility that he may be experiencing a mental
11 health crisis?

12 MS. SHAFAYIE: Form and foundation.

13 **A. I really didn't assume that. Honestly.**
14 **What I assumed, because of the area that I live in, is**
15 **that he was probably experiencing some kind of**
16 **reaction to a drug of some sort. I mean, this was out**
17 **of the ordinary behavior. This was not -- I didn't**
18 **think mental health, you know, because that's not what**
19 **I experience in the neighborhood that I live in. You**
20 **know.**

21 Q. (BY MR. FLOYD) And you called the police
22 because you thought that they would be the best source
23 to handle the situation?

24 MS. SHAFAYIE: Form.

25 Q. (BY MR. FLOYD) Is that correct?

EXAMINATION BY MR. DOWD

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1 **A. Um-hum.**

2 MR. DOWD: You have to say yes or no for
3 the record.

4 **A. Sorry. Yes.**

5 MR. FLOYD: I think those are all the
6 questions I have. Thank you very much.

7 MR. DOWD: I just have one question.

8 EXAMINATION

9 BY MR. DOWD:

10 Q. During the time you lived there, would you
11 agree that the traffic at 6:45 a.m. on a Saturday
12 morning is normally very light on Airport Road where
13 you live?

14 MS. SHAFAYE: Form.

15 **A. I would say it's lighter than during the
16 week at that same time because less people, I guess,
17 are on their way to work.**

18 Q. (BY MR. DOWD) Exhibit 2 shows that your
19 call to the 911 operator was at 6:45 a.m. Are you
20 normally up on Saturday mornings at 6:45 a.m.?

21 **A. Not normally up at any particular time.
22 But as I said earlier, I remember being -- waking up
23 to the sound of all of my pets and all the neighbors'
24 pets having a real problem with something going on in
25 the neighborhood. And that woke me up immediately**

EXAMINATION BY MR. DOWD

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1 **because if my pets are upset, there is something going**
2 **on.**

3 Q. You don't have any specific recollection of
4 cars and Mr. Moore, correct?

5 **A. Cars?**

6 Q. You know, cars interacting with Mr. Moore?

7 **A. No. I remember hoping that he would not**
8 **walk out into Airport Road, because if there were cars**
9 **on Airport Road, they're usually travelling faster**
10 **than the speed limit, and my main concern really was**
11 **to keep this guy from walking into a car on Airport**
12 **Road. You know, because I didn't know what he was**
13 **going to do next.**

14 Q. He might get hurt and needed help.

15 **A. Right.**

16 MR. DOWD: I don't have anything further.

17 MS. SHAFAIE: Anybody else?

18 I don't have any other questions for you.

19 Mr. Schilling, you have the right, now that we've
20 concluded, to either review your testimony in
21 transcript form, or you can waive that right and just
22 accept whatever the court reporter has put down as
23 your testimony. So we can't give you any advice what
24 option to choose. And if you do choose the option to
25 actually go through and review the testimony line by

EXAMINATION BY MR. DOWD

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1 line, you won't be able to make my changes unless
2 there is something material like you know you said yes
3 and the transcript says no. That's an option if you
4 want to do that. Otherwise you can do what's called
5 waive signature, which means that you will just accept
6 whatever the transcriber has put down as your
7 testimony today.

8 THE WITNESS: If I -- if I say that I would
9 like to see it, I mean, is it just given to me in a --
10 like a printed document?

11 MS. SHAFAYIE: It will be a hard copy.

12 MR. DOWD: They'll mail it to you.

13 THE WITNESS: I would like to see it.

14 MS. SHAFAYIE: Okay.

15 MR. DOWD: Then when you get it, you'll
16 need to sign it in front of a notary public and return
17 your signature.

18

19 (Whereupon the deposition concluded at
20 12:13 p.m.)

21 (The exhibits were retained by the
22 court reporter.)

23

24

25

1 REPORTER CERTIFICATE

2

3 I, KATHY BAUERNFEIND, a Certified Shorthand

4 Reporter, do hereby certify that there came before me

5 at Pitzer Snodgrass, P.C., 100 South 4th Street, St.

6 Louis, Missouri,

7

ALAN SCHILLING

8 who was by me first duly sworn; that the witness was
9 carefully examined, that said examination was reported
10 by myself, translated and proofread using
11 computer-aided transcription, and the above transcript
12 of proceedings is a true and accurate transcript of my
13 notes as taken at the time of the examination of this
14 witness.

15 I further certify that I am neither

16 attorney nor counsel for nor related nor employed by
17 any of the parties to the action in which this
18 examination is taken; further, that I am not a
19 relative or employee of any attorney or counsel
20 employed by the parties hereto or financially
21 interested in this action.

22 Dated this 18th day of January 2016

23

24

25

Kathy Bauernfeind, CSR, CLR

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1

2 COMES NOW THE WITNESS, ALAN SCHILLING, and
3 having read the foregoing transcript of the deposition
4 taken on the January 13, 2016, acknowledges by
5 signature hereto that it is a true and accurate
6 transcript of the testimony given on the date
7 hereinabove mentioned.

8

9

10 [ALAN SCHILLING]

11

12 Subscribed to me before this
13 _____ day of _____, 2016

14

15

16 [Notary Public]

17

18 My commission expires: _____

19

20

21

22 TINA MOORE, et al. vs. CITY OF FERGUSON, et al.

23 Reporter: Kathy Bauernfeind, CCR, CSR

24 Date Taken: January 13, 2016

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